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OFFICE OF PETITIONS

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Jane Brandman et al.) Examiner: San-Ming Hui
Application No.: 10/007,158) Group Art Unit: 1617
Filed: December 5, 2001)
For: METHOD FOR PREVENTING)
AND TREATING SKIN AGING) February 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE ABANDONED
APPLICATION FOR UNINTENTIONAL ABANDONMENT

Sir:

Applicants received a Notice of Abandonment in the above-identified application dated January 12, 2004 on January 20, 2004 from the former assignee of the above-identified application. The rights to this application were sold to the present assignee in March of 2003. Unfortunately, and quite unintentionally, the present assignee did not file a change of correspondence address. Because of this, the present assignee did not become aware of the outstanding final office action issued June 4, 2003 until notified by the former assignee on January 20, 2004 of the abandonment of the application. Accordingly, the deadline for responding to the action, which was September 4, 2003 (with no extensions of time) passed without any action being taken. The failure to respond to the action was completely unintentional.

Applicants further submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant 37 CFR

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1.137(b) was unintentional. Applicants hereby submit a Notice of Appeal and a check in the amount of \$330.00 for the appeal fee pursuant to 37 CFR § 1.17(b). In addition, a check in the amount of \$1,330.00 is also enclosed to cover the petition fee set forth by 37 CFR § 1.17(m). Any deficiency in or overpayment of any required fee should be charged or credited to Deposit Account No. 06-1205.

Accordingly, Applicants respectfully request revival of the unintentionally abandoned above-identified application and the Commissioner set the time period under 37 CFR § 1.192 for filing the appeal brief (see MPEP 711.03(c)).

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Raymond R. Mandra
Attorney for Applicants
Registration No. 34,382

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